

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on July 30, 2002.

I. DISPUTE

Whether there should be additional reimbursement for date of service February 04, 2002 for Ambulatory Surgical Center facility fees. The Respondent denied additional reimbursement as “F - Fee guideline MAR reduction, G – Unbundling, M - No MAR, N – Not documented”. Ambulatory Surgical Center care is not covered by the *Medical Fee Guideline* and shall be reimbursed at a fair and reasonable rate.

II. RATIONALE

The Respondent's rate of reimbursement is based on Acute Care Inpatient Hospital Fee Guidelines per diem and is inconsistent with Rule 134.401(a)(4) and has no applicability to Ambulatory Surgical Centers or outpatient charges. The insurance carriers utilization of the inpatient fee guideline as a basis for a fair and reasonable methodology is not consistent with §413.011(d) and does not support the Respondent's position in this dispute.

The Requestor billed \$21,295.00 for Ambulatory Surgical Center facility fees. The Respondent paid \$1,000.00 leaving a balance of \$17,101.50.

Rule 133.307(g)(3)(D) requires the Requestor to discuss, demonstrate, and justify that the payment amount being sought is fair and reasonable. The Requestor submitted documentation in the form of redacted payment screens and corresponding EOBs. Neither the payment screens nor the EOBs reflect procedure codes for same or similar treatment.

III. DECISION

Based upon the review of the disputed healthcare services within this request, the Division has determined that the Requestor is not entitled to reimbursement.

The above Findings, Decision and Order are hereby issued this 15th day of October 2003.

Pat DeVries
Medical Dispute Resolution Officer
Medical Review Division
PD/pd